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MEMO ENDORSED

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Via ECF

Hon. Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Conti v. Doe, No. 17-CV-9268 (VEC)

Your Honor:

This firm represents Defendant John Doe. We write pursuant to the Court's Individual Rule 5.A and Paragraph 13 of the Confidentiality Order in this matter to respectfully request permission to file under seal most of the exhibits that Doe is submitting in support of his motion for summary judgment.¹ Plaintiff's counsel has not yet seen the Exhibits we are seeking leave to file under seal and thus is not prepared to consent to this request at this point.

The Exhibits Doe seeks to file under seal are comprised of materials that were produced in discovery in this matter, including documents and deposition transcripts. Most of them are Doe's medical records and deposition testimony that concerns Doe's mental health. These materials contain intensely personal information about our client.

We seek leave to file this material under seal because, despite the Court's order allowing Doe to proceed anonymously, media outlets have identified Doe and linked him to this case. Following this breach, there is a serious risk that any record filed in this case—even if it is anonymized—will be traced back to Doe, and Doe will again be identified in the press and his personal medical information revealed for all to see. As Your Honor may recall, Doe's parents

¹ Specifically, Doe seeks leave to file under seal Exhibits N–T, W–HH, JJ–TT to the Declaration of Andrew G. Celli, Jr., dated December 18, 2020 (“Celli Declaration”). Exhibits A–O to the Celli Declaration are emails and a text message thread that were attached to the First Amended Complaint and are being filed publicly, with the exception of Exhibits N and O, which were previously redacted when attached to the First Amended Complaint and contain information that could be used to identify Doe. Exhibits U, V, and II, to the Celli Declaration, which are Declarations from John Doe, Alan Dershowitz, and Jane Doe, are also being filed publicly..

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were identified when they came to Court in connection with this case, and a member of the press improperly photographed them inside the courthouse and later identified the family in press accounts.

Importantly, we are *not* seeking leave to redact any aspect of our Memorandum of Law or 56.1 Statement. Portions of both documents reference or quote from some of the Exhibits that we are seeking leave to file under seal—but those referenced or quoted portions are directly relevant to Doe’s legal arguments in support of summary judgment and we therefore recognize the need to have them filed publicly. The underlying documents themselves, however—including the deposition transcripts and medical records—contain not only material that is relevant to this motion, but also additional, extraneous material that is highly sensitive and is not part of the public record. Publicly filing the full record on summary judgment would compound the harm of the invasion to Doe’s privacy that has already occurred and expand the universe of publicly available information about Doe’s mental health diagnoses, treatment, and prognosis.

We therefore respectfully request leave to file under seal N–T, W–HH, JJ–TT to the Celli Declaration. If the Court is inclined to deny this request, we respectfully request an opportunity to propose redactions to these Exhibits before filing them publicly.

Respectfully submitted,

/s/

Andrew G. Celli, Jr.
Katherine Rosenfeld
Samuel Shapiro
Nick Bourland

c. All counsel of record (via ECF)

Application GRANTED. Exhibits N-T, W-HH, JJ-TT to the Celli Declaration may be filed under seal. No later than **December 23, 2020**, Defendant must file the exhibits publicly with appropriate redactions.

SO ORDERED.



12/21/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE